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7 Attorneys for Defendants
INTUITIVE SURGICAL, INC., BENJAMIN GONG, ALEKS
8 CUKIC, JEROME MCNAMARA, GARY GUTHART,
MARSHALL MOHR, AND LONNIE SMITH
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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION
14

15 POLICE RETIREMENT SYSTEM OF ST.
LOUIS, individually and on behalf of all
16 others similarly situated,

17 Plaintiffs,

18 v.

19 INTUITIVE SURGICAL, INC., BENJAMIN
GONG, ALEKS CUKIC, JEROME
20 MCNAMARA, GARY GUTHART,
MARSHALL MOHR, AND LONNIE
21 SMITH,

22 Defendants.
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Case No. CV-10-03451-LHK

**STIPULATION RE DATE TO FILE
MOTION TO DISMISS AMENDED
COMPLAINT AND ~~PROPOSED~~ ORDER**

As Amended

1 WHEREAS on August 10, 2011, the Court entered an order granting Defendants' motion
2 to dismiss Plaintiffs' Complaint, continuing the case management conference scheduled for
3 August 11, 2011 to October 26, 2011, and granting Plaintiffs leave to amend the Complaint by
4 September 12, 2011;

5 WHEREAS on September 12, 2011, Plaintiffs filed an Amended Complaint;

6 WHEREAS Defendants intend to file a motion to dismiss the Amended Complaint;

7 WHEREAS the Court's August 10, 2011 order stated that in the event Defendants move
8 to dismiss the Amended Complaint, the Court would continue the October 26, 2011 case
9 management conference to the same date as the motion hearing;

10 WHEREAS Defendants have requested to enlarge the time to file a motion to dismiss,
11 and to fairly and proportionately set a schedule for Plaintiffs' opposition thereto, and the
12 Defendants' reply, in light of the complexity of the issues presented;

13 WHEREAS the parties to this Action agree that justice and judicial economy will best be
14 served if this Court approves the following stipulated and agreed schedule.

15 **IT IS THEREFORE STIPULATED, SUBJECT TO THE COURT'S APPROVAL:**

16 The parties shall abide by the following deadlines:

17 Motion to Dismiss: October 17, 2011

18 Opposition: November 18, 2011

19 Reply: December 5, 2011

20 Hearing: As set by the Court

21 **IT IS SO STIPULATED.**

22 Dated: September 19, 2011

KEKER & VAN NEST LLP

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24 By: /s/ Michael D. Celio

25 MICHAEL D. CELIO

26 Attorneys for Defendants

27 INTUITIVE SURGICAL, INC., BENJAMIN GONG,
28 ALEKS CUKIC, JEROME MCNAMARA, GARY
GUTHART, MARSHALL MOHR, AND LONNIE
SMITH.

ABRAHAM, FRUCHTER & TWERKSY

The parties shall abide by the following deadlines:

IT IS SO ORDERED.

By: Lucy H. Koh
LUCY H. KOH
UNITED STATES DISTRICT JUDGE